

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

GERALD LEWIS,

DEFENDANT

CRIMINAL No. 06-67-P-H-03

ORDER ON SENTENCE MODIFICATION

This is a case in which the retroactive crack cocaine Guideline amendment could affect the defendant's sentence.

After review of a supplemental presentence report, the lawyers' responses and a conference of counsel, and understanding that the defendant is scheduled to be transferred to a halfway house later this month and is scheduled for release to supervision in May, I now determine **NOT** to reduce the sentence. The defendant is free to request early termination of supervised release at an appropriate time in accordance with 18 U.S.C. § 3583(e)(1) and to argue then that I should take into account any "extra" custodial time he has served. See USSG § 1B1.10 cmt. 4(B).

SO ORDERED.

DATED THIS 6TH DAY OF MARCH, 2008

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE